

SENATE BILL NO. 35

INTRODUCED BY D. SALOMON

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING THE BUSINESS AND INDUSTRIAL DEVELOPMENT CORPORATIONS ACT; REPEALING SECTIONS 32-11-101, 32-11-102, 32-11-103, 32-11-104, 32-11-105, 32-11-106, 32-11-107, 32-11-108, 32-11-201, 32-11-202, 32-11-203, 32-11-204, 32-11-205, 32-11-206, 32-11-207, 32-11-208, 32-11-209, 32-11-210, 32-11-211, 32-11-212, 32-11-215, 32-11-216, 32-11-217, 32-11-218, 32-11-219, 32-11-220, 32-11-221, 32-11-222, 32-11-223, 32-11-224, 32-11-225, 32-11-226, 32-11-301, 32-11-302, 32-11-303, 32-11-304, 32-11-305, 32-11-306, 32-11-307, 32-11-308, 32-11-309, 32-11-310, 32-11-311, 32-11-312, 32-11-313, 32-11-401, 32-11-402, 32-11-403, 32-11-404, 32-11-405, 32-11-406, 32-11-407, 32-11-411, 32-11-412, 32-11-413, AND 32-11-414, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Repealer.** The following sections of the Montana Code Annotated are

repealed:

- 32-11-101. Short title.
- 32-11-102. Definitions.
- 32-11-103. Purposes.
- 32-11-104. Meetings of directors and shareholders called by department.
- 32-11-105. Administration -- rules -- orders -- declaratory rulings -- judicial review.
- 32-11-106. Authority of department.
- 32-11-107. Confidentiality.
- 32-11-108. Application of law under which licensee incorporated.
- 32-11-201. Application procedure.
- 32-11-202. Requisite net worth.
- 32-11-203. Fees -- special revenue account.

- 1 32-11-204. Criteria for directors, officers, and controlling persons.
- 2 32-11-205. Determination of likelihood of future noncompliance.
- 3 32-11-206. Denial of application.
- 4 32-11-207. License -- display -- transfer or assignment -- surrender.
- 5 32-11-208. Corporate name and representation of status.
- 6 32-11-209. Misrepresentation.
- 7 32-11-210. Dividends.
- 8 32-11-211. Stock buyback.
- 9 32-11-212. Offices.
- 10 32-11-215. Board of directors.
- 11 32-11-216. Notice of officer and director changes.
- 12 32-11-217. Business of licensee -- general powers.
- 13 32-11-218. Financing assistance allowed -- forms, terms, conditions.
- 14 32-11-219. Participation in government programs.
- 15 32-11-220. Scope of management assistance.
- 16 32-11-221. Limitation to purposes of business.
- 17 32-11-222. Control of other businesses.
- 18 32-11-223. Control of assisted business.
- 19 32-11-224. Control of business providing financing assistance and management assistance or other
- 20 businesses.
- 21 32-11-225. Business practice standards and reserve.
- 22 32-11-226. Other licenses.

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24 NEW SECTION. **Section 2. Repealer.** The following sections of the Montana Code Annotated are
 25 repealed:

- 26 32-11-301. Disclosure of potential conflict of interest -- terms and conditions -- examples.
- 27 32-11-302. Acquiring control of licensee -- application -- determination.
- 28 32-11-303. Merger -- purchase -- sale.

- 1 32-11-304. Records and report requirements.
- 2 32-11-305. Records kept by others.
- 3 32-11-306. Information on economic development effect.
- 4 32-11-307. Examination of licensees and subsidiaries.
- 5 32-11-308. Inspection or copying refusal.
- 6 32-11-309. Restrictions on financing assistance
- 7 32-11-310. Contemporaneous financing assistance.
- 8 32-11-311. Compensation of associate.
- 9 32-11-312. Associates.
- 10 32-11-313. Exemptions.
- 11 32-11-401. Investigations -- powers -- failure to comply or testify.
- 12 32-11-402. Injunction -- appointment of receiver.
- 13 32-11-403. Cease and desist orders.
- 14 32-11-404. Penalties -- license suspension and revocation -- restitution.
- 15 32-11-405. Removal and suspension orders for certain acts.
- 16 32-11-406. Removal and suspension orders in cases of indictment or conviction.
- 17 32-11-407. Hearings on orders -- rescission and modification.
- 18 32-11-411. Disclosure to shareholders.
- 19 32-11-412. Orders restricting additional financing assistance.
- 20 32-11-413. Taking possession of licensee.
- 21 32-11-414. Appeals.

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23 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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